

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

24 Civ. 8649 (LGS)

JJ ARCH LLC,

Case No. 24-10381 (JPM)

Debtor.

ORDER

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LORNA G. SCHOFIELD, District Judge:

WHEREAS, the above-captioned bankruptcy appeal was filed in the District Court on New York on November 14, 2024.

WHEREAS, Rule 8009 of the Federal Rules of Bankruptcy Procedure (“FRBP”) requires appellant to file and serve “a designation of the items to be included in the record on appeal and a statement of the issues to be presented” within fourteen days, which was November 28, 2024.

WHEREAS, the Scheduling Order, dated November 18, 2024, states that “[f]ailure to comply with this order and/or the time limits in Rules 8009 or 8018 will result in dismissal of the appeal (in the case of the appellant) or consideration of the appeal without an appellee’s brief (in the case of the appellee).”

WHEREAS, no record designation or statement of issues was filed by November 28, 2024.

WHEREAS, “a bankruptcy appeal cannot proceed without a Designation and Statement,” unless the appellant’s failure to file “is the result of excusable neglect.” *In re Lynch*, 430 F.3d 600, 605 (2d Cir. 2005); *accord In re Dulyn Grp., Inc.*, No. 23 Civ. 6296, 2023 WL 6445138, at *1 (S.D.N.Y. Oct. 3, 2023). It is hereby

ORDERED that by **December 13, 2024**, Appellant shall (1) file the required record designation and statement of issues, (2) file a letter (addressed to Judge Schofield and not to Judge Cave) requesting an extension to a date certain and providing a basis to find “excusable neglect” or (3) withdraw the appeal.

Dated: December 3, 2024
New York, NY



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE